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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,466	06/28/2000	Yasuaki Yamagishi	SUGI-T0731	6096

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EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/04/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,466

Applicant(s)

YAMAGISHI ET AL.

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 4-32 are presented for examination. Claims 1-3 have been canceled. Claims 4 and 24 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeyaraman (US 6,311,187 B1).

4. As per claims 4-6, Jeyaraman teaches the invention as claimed including a transmitting apparatus comprising a transmitting device for transmitting a hierarchical structure of a directory for hierarchically managing locations of contents data [col. 1, lines 17-22], comprising:

managing means for managing a hierarchical structure of a directory [Fig. 6A-6K] composed of a container entry [D, Fig. 6A] and a leaf entry [Se, Fig. 6A],

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a container entry containing information in the immediately lower hierarchical level thereof, a leaf entry being disposed in the immediately lower hierarchical level of a container entry, a leaf entry not containing information in the immediately lower hierarchical level thereof [col. 8, lines 14-29];

detecting means for detecting a change of the hierarchical structure of the directory managed by said managing means and obtaining first difference information and second difference information corresponding to the detected result [col. 2, lines 10-12; col. 5, lines 7-8], the first difference information being the difference of container entries, the second difference information being the difference of leaf entries [col. 9, line 40 – col. 10, line 15; col. 406, Fig. 4; col. 14, lines 44-46]; and

transmitting means for transmitting said first difference information, said second difference information and third difference information for reproducing the hierarchical structure of the directory at a predetermined time period independent of said first difference information and said second difference information [408, Fig. 4; col. 2, lines 13-16; col. 14, lines 47-51],

wherein the predetermined time period being variably designated in accordance with operating state information of a receiving side [120, Fig. 1; col. 7, lines 19-24].

5. As per claims 7-10, Jeyaraman teaches the third difference information is composed of information of container entries of the hierarchical structure of the directory and leaf entries in the immediately lower hierarchical level of each of

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container entries [col. 2, lines 13-16] and a predetermined time period [col. 7, lines 20-24].

6. As per claim 11, Jeyaraman teaches the invention as claimed including a transmitting method [col. 1, lines 17-22], comprising:

transmitting the same contents of update information a plurality number of times, the update information [230, Fig. 2] representing that data has been updated [col. 2, lines 16-18; col. 5, lines 14-16],

wherein the transmission timing of the same contents of the update information transmitted at the transmitting steps is designated corresponding to operating state information [120, Fig. 1] of receiving means [106, Fig. 1] that receives the update information from said transmitting means [col. 2, lines 1-24; col. 5, lines 6-16].

7. As per claim 12, Jeyaraman teaches the transmitting apparatus is a transmitting device for transmitting a hierarchical structure of a directory for hierarchically managing locations of contents data [col. 1, lines 17-22], comprising:

managing means for managing a hierarchical structure of a directory [Fig. 6A-6K] composed of a container entry [D, Fig. 6A] and a leaf entry [Se, Fig. 6A], a container entry containing information in the immediately lower hierarchical level thereof, a leaf entry being disposed in the immediately lower hierarchical

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level of a container entry, a leaf entry not containing information in the immediately lower hierarchical level thereof [col. 8, lines 14-29];

detecting means for detecting a change of the hierarchical structure of the directory managed by said managing means and obtaining first difference information and second difference information corresponding to the detected result [col. 2, lines 10-12; col. 5, lines 7-8], the first difference information being the difference of container entries, the second difference information being the difference of leaf entries [col. 9, line 40 – col. 10, line 15; col. 406, Fig. 4; col. 14, lines 44-46]; and transmitting means for transmitting third difference information for reproducing the hierarchical structure of the directory at a predetermined time period along with the first difference information and the second difference information [408, Fig. 4; col. 2, lines 13-16; col. 14, lines 47-51],

wherein the predetermined time period is variably designated corresponding to the operating state information of a receiving side [120, Fig. 1; col. 7, lines 19-24].

8. As per claims 13-19, since they introduce the same limitation as claims 4-10 from different prospective respectively [i.e., receiving side], they are rejected for the same basis as claims 4-10 above.

9. As per claim 20, since it is a method claim of claim 13, it is rejected for the same basis as claim 13 above.

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10. As per claims 21-32, since they are system and method claims of combination of claims 4-10 and 13-19, they are rejected for the same basis as claims 4-10 and 13-19 above.

Conclusion

11. Applicant's arguments for claims 4-32 have been fully considered but they are not deemed to be persuasive.

12. In the remarks, applicant argued in substance that (1) Jeyaraman does not the predetermined time period is variably designated corresponding to the operating state information of the receiving side; (2) Dependent claims 5-10, 12, 14-19, 22-30 and 32 are not anticipated by Jeyaraman.

13. Examiner respectfully traverses applicant's remarks:

A. As to point (1), applicant fails to consider the teaching of the Jeyaraman's reference for sending updated information in response to update request from the client [col. 3, lines 48-54], which indicates the operating state of the client is available; Furthermore, Jeyaraman teaches the updating step can be repeated periodically at any time interval, and this update process refers to the process which requested by the client [col. 7, lines 10-18], i.e., the time interval of updating is determined by the operating state information of receiver side, it can be several seconds to many days depends on whether the client is available.

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Therefore, Jeyaraman does teach the predetermined time period is variably designated corresponding to the operating state information of the receiving side.

B. As to point (2), claims 5-10, 12, 14-19, 22-30 and 32 are anticipated by Jeyaraman for the same reason as discussed above.

Accordingly, Jeyaraman is a relevant prior art reference.

14. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498.

The fax number for this Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

April 28, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100